

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JERRY FLOWERS,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

CASE NO. C14-5080 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 10), and Plaintiff Jerry Flowers’s objections to the R&R (Dkt. 13).

On August 8, 2014, Judge Creatura issued the R&R recommending that the Court deny Flowers’s petition and deny a Certificate of Appealability. Dkt. 10. On October 8, 2014, Flowers filed objections. Dkt. 13.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Flowers fails to assert a valid objection to any portion of the R&R.  
2 Instead, Flowers recasts his original arguments as objections. Regardless, the Court  
3 reviewed the relevant state court decision, and Flowers has failed to show that the  
4 decision is either contrary to or an unreasonable application of federal law. Flowers's  
5 burden is high and none of the alleged errors sufficiently meet that burden. Therefore,  
6 the Court having considered the R&R, Flowers's objections, and the remaining record,  
7 does hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**;
- 9 (2) Flowers's petition is **DENIED**;
- 10 (3) A Certificate of Appealability is **DENIED**; and
- 11 (4) This action is **DISMISSED**.

12 Dated this 21st day of November, 2014.

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14 BENJAMIN H. SETTLE  
15 United States District Judge  
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